

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

IN RE: **Jonathon Prince**
Becky Prince
Debtor(s)

Case No. **17-30592**
Chapter 13 Proceeding

☒ **AMENDED** ☐ **MODIFIED**
DEBTOR(S)' CHAPTER 13 PLAN
AND MOTIONS FOR VALUATION AND LIEN AVOIDANCE

Creditors are hereby notified that the following Plan may be amended at any time before confirmation. Any amendment may affect your status as a creditor. The Debtor's estimate of how much the Plan will pay, projected payments, and estimates of the allowed claims may also change. The following information advises creditors of the status of the case based on the information known at the time of its preparation. Any special concerns of a creditor may justify attendance at the Meeting of Creditors and such other action as may be appropriate under the circumstances. More detailed information is on file at the Office of the United States Bankruptcy Clerk in El Paso or Waco, Texas. Local Bankruptcy Rules and Standing Orders on procedures are available at the Clerk's Office and online at www.txwb.uscourts.gov.

Use of the singular word "Debtor" in this Plan includes the plural where appropriate.

Plan Summary

- A. The Debtor's Plan Payment will be Variable Payments, paid by ☒ Pay Order or ☐ Direct Pay for 60 months. The gross amount to be paid into the plan is \$61,175.00.
- B. The Plan proposes to pay all allowed priority claims in full, all secured claims to the extent of the value of the collateral or the amount of the claim, whichever amount is provided for in Section VI below, and approximately 100% of each unsecured allowed claim.

THIS PLAN DOES NOT ALLOW CLAIMS. YOU MUST FILE A PROOF OF CLAIM BY THE APPLICABLE DEADLINE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN THAT MAY BE CONFIRMED. CREDITORS ARE REFERRED TO THE FEDERAL RULES OF BANKRUPTCY PROCEDURE, THE LOCAL BANKRUPTCY RULES FOR THE WESTERN DISTRICT OF TEXAS, AND THE APPLICABLE STANDING ORDER RELATING TO CHAPTER 13 CASE ADMINISTRATION FOR THIS DIVISION, FOR INFORMATION ON THESE AND OTHER DEADLINES.

- C. The value of the Debtor's non-exempt assets is \$0.00.
- D. If the payment of any debt is proposed to be paid directly by the Debtor outside the Plan, it is so noted in Section VI(1), set forth below.

Plan Provisions

I. Vesting of Estate Property

- ☐ Upon confirmation of the Plan, all property of the estate shall vest in the Debtor and shall not remain as property of the estate.
- ☒ Upon confirmation of the Plan, all property of the estate shall not vest in the Debtor, but shall remain as property of the estate.
- ☐ Other (describe):

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Continuation Sheet # 1

II. Pre-Confirmation Disbursements

In accordance with the applicable Standing Order Relating to Chapter 13 Case Administration, the Debtor requests and consents to disbursement by the Chapter 13 Trustee of payments prior to confirmation of the Plan to evidence the Debtor's good faith, promote successful completion of the case, and to provide adequate protection to secured creditors. The Debtor shall remit such payments to the Trustee commencing 15 days after the filing of the petition. Provided all conditions for disbursement are met and unless otherwise ordered by the Court, the Trustee shall begin disbursing to creditors as provided below, on the first regularly scheduled disbursement after 30 days after the the petition is filed. Payments under this paragraph will cease upon confirmation of the Plan.

Creditor/Collateral	Pre-Confirmation Payment Amount	Other Treatment Remarks
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III. Executory Contracts/Unexpired Leases/Contracts for Deed

Pursuant to 11 U.S.C. § 1322(b)(7) of the Bankruptcy Code, the Debtor hereby elects to assume the following executory contracts, unexpired leases, and/or contracts for deed, if any:

Creditor Name	Description of Contract	Election	In Default
(None)			

Pursuant to 11 U.S.C. § 1322(b)(7) of the Bankruptcy Code, the Debtor hereby elects to reject the following executory contracts, unexpired leases, and/or contracts for deed, if any:

Creditor Name	Description of Contract	Election	In Default
(None)			

IV. Motion to Value Collateral Pursuant to 11 U.S.C. § 506

The Trustee shall pay allowed secured claims, which require the filing of a proof of claim, to the extent of the value of the collateral or the amount of the claim, whichever amount is provided for in Section VI(2), hereof, plus interest thereon at the rate specified in this Plan. Except for secured claims for which provision is made to pay the full amount of the claim notwithstanding the value of the collateral, the portion of any allowed claim that exceeds the value of the collateral shall be treated as an unsecured claim under Section VI(2)(F).

The Debtor(s) move(s) to value the collateral described below in the amounts indicated. The values as stated below represent the replacement values of the assets held for collateral, as required under Section 506(a)(2). Objections to valuation of collateral proposed by this Motion and Plan must be filed no later than ten (10) days prior to the confirmation hearing date. If no timely response or objection is filed, the relief requested may be granted in conjunction with confirmation of the Plan.

Creditor / Collateral	Estimated Claim	Value of Collateral	Monthly Payment or Method of Disbursement	Interest Rate	Anticipated Total to Pay	Other Treatment/Remarks
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Continuation Sheet # 2

"I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on _____."

Debtor

Joint Debtor

V. Motion to Avoid Lien Pursuant to 11 U.S.C. § 522(f)

The Bankruptcy Code allows certain liens to be avoided. If a lien is avoided, the claim will not be treated as a secured claim but as an unsecured claim under Section VI(2)(F).

The Debtor moves to avoid the following liens that impair exemptions. Objections to lien avoidance as proposed in this Plan must be filed no later than ten (10) days prior to the confirmation hearing date. If no timely objection is filed, the relief requested may be granted in conjunction with confirmation of the Plan. (Debtor must list the specific exempt property that the lien impairs and the basis of the lien--e.g., judicial lien, nonpurchase-money security interest, etc.)

Creditor / Property subject to lien	Amount of Lien to be Avoided	Remarks
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VI. Specific Treatment for Payment of Allowed Claims

1. PAYMENTS TO BE MADE BY THE DEBTOR DIRECTLY TO CREDITORS, INCLUDING POST-PETITION DOMESTIC SUPPORT OBLIGATIONS

A. Debtor(s) shall pay the following creditors directly. Creditors with claims based on a post-petition domestic support obligation ("DSO"), including all governmental units to which a DSO claim has been assigned, or is owed, or that may otherwise recover a DSO claim, MUST be paid directly. Minors should be identified by their initials only. If no DSO creditor is listed, the Debtor represents he/she has no domestic support obligation.

All direct payments listed below shall be made in addition to the Plan payments made by Debtor to the Chapter 13 Trustee as herein set forth. Secured creditors who are paid directly shall retain their liens, and the Debtor(s) shall maintain insurance on the collateral, in accordance with the terms of the documents creating the lien on the collateral.

Creditor / Collateral, if any (including the name of each DSO creditor)	Remarks	Debt Amount	Payment Amount/Interval
El Paso Tax Assessor-Collector 14382 Early Morn Ave	2017	\$4,635.20	
US Bank Home Mortgage 14382 Early Morn Ave		\$171,486.00	\$885.00

B. Debtor surrenders the following collateral. Confirmation of the Plan shall operate to lift the automatic stay provided by 11 U.S.C. § 362(a) with respect to the collateral listed, and any unsecured deficiency claim may be filed in accordance with the procedures set forth in the Standing Order Relating to Chapter 13 Case Administration for this Division.

Creditor/Collateral	Collateral to Be Surrendered
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Continuation Sheet # 3

2. PAYMENTS TO BE MADE BY TRUSTEE TO CREDITORS

A. Administrative Expenses

Administrative Expenses shall include the Trustee's commission and debtor's attorney's fees. The Trustee shall receive up to 10% of all sums received. No fees or expenses of counsel for the debtor(s) may be paid until the filing fee is paid in full, and any fees and expenses that are allowed in addition to the fees and expenses originally agreed to be paid, may be paid only after all prior allowed fees and expenses have been paid.

Creditor	Estimated Amount of Debt	Payment Method: before secured creditors, after secured creditors, or along with secured	Remarks
Watson Law Firm, P.C.	\$3,600.00	Along With	

B. Priority Claims, Including Domestic Support Obligation Arrearage Claims

Creditor	Estimated Amount of Debt	Payment Method: before secured creditors, after secured creditors, or along with secured	Remarks
Internal Revenue Service	\$1,600.00	Along With	

C. Arrearage Claims

Creditor / Collateral	Estimated Claim	Estimated Value of Collateral	Monthly Payment or Method of Disbursement	Interest Rate	Anticipated Total to Pay	Other Treatment/Remarks
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D. Cure Claims on Assumed Contracts, Leases, and Contracts for Deed

Creditor/Subject Property, if any	Estimated Amount of Cure Claim	Monthly Payment or Method of Disbursement	Remarks
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E. Secured Creditors

Secured creditors shall retain their liens on the collateral that is security for their claims until the earlier of the date the underlying debt, as determined under non-bankruptcy law, has been paid in full, or the date of discharge under 11 U.S.C. § 1328. Therefore, if the debtor's case is dismissed or converted without completing of all Plan payments, the liens shall be retained by the creditors to the extent recognized by applicable non-bankruptcy law.

Creditor/Collateral	Estimated Claim	Value of Collateral	Monthly Payment or Method of Disbursement	Interest Rate	Anticipated Total to Pay	Other Treatment/Remarks (specifically note if claim amount to be paid although greater than value of collateral)
Navy Federal Credit Union Honda Accord	\$21,000.00	\$19,369.00	Pro-Rata	5.25%	\$22,479.81	Pay claim amount

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Continuation Sheet # 4

F. General Unsecured Creditors (including claims from rejection of contracts, leases and contracts for deed).
Describe treatment for the class of general unsecured creditors.

General Unsecured Creditors will receive approximately **100%** of their allowed claims.

Creditor	Estimated Debt	Remarks
Aspen Coll	\$0.00	
Barclays Bank Delaware	\$4,672.00	
Belden Jewelers/Sterling Jewelers, Inc	\$0.00	
Capital One	\$817.00	
Chase Card	\$1,930.00	
Credit One Bank Na	\$0.00	
Dhi Mortgage	\$0.00	
Fst Premier	\$0.00	
Kohls/Capital One	\$282.00	
Midland Funding	\$1,461.00	
Midland Funding	\$569.00	
Military Star/AAFES	\$4,448.00	
Navy Fcu	\$12,241.00	
Salute/atlanticus	\$0.00	
Syncb/Toys R Us	\$283.00	
Synchrony Bank/Lowes	\$0.00	
Tidewater Finance Co	\$0.00	
Trident Asset Management	\$279.00	
US Bank	\$0.00	
USAA Federal Savings Bank	\$0.00	
Usaa Federal Savings Bank	\$0.00	
Wells Fargo Dealer Services	\$0.00	
Wells Fargo Hm Mortgag	\$0.00	

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Totals:

Administrative Claims	<u>\$3,600.00</u>
Priority Claims	<u>\$1,600.00</u>
Arrearage Claims	<u>\$0.00</u>
Cure Claims	<u>\$0.00</u>
Secured Claims	<u>\$21,000.00</u>
Unsecured Claims	<u>\$26,982.00</u>

VII. Supplemental Plan Provisions

The following are the Supplemental Plan Provisions:

Agreed Orders

Agreed Orders shall control in any conflict between Plan provisions and the provisions in the Agreed Orders.

Disposable Earnings

Pursuant to 11 U.S.C. § 1322(a)(1) of the Bankruptcy Code, the Debtor(s) shall submit all or such portion of future earnings or other future income of the debtor to the supervision and control of the trustee as is necessary for the execution of the plan. The Debtor(s) agree to report to the Trustee any changes in income that would necessitate modifying their plan by either increasing or decreasing their plan payment or increasing or decreasing payout to unsecured creditors

Authorization to send monthly bills

Confirmation of the Plan shall constitute authority for creditors, such as lien-holders on real property and lien-holders on vehicles, who receive monies as direct payments from Debtor(s) as a result of Debtor(s) election to pay such monies outside of the plan to send monthly statements as a convenience to the Debtor(s) and such statements shall not be considered a violation of the provisions of the automatic stay.

Certain Pre-Confirmation Disbursements

If a creditor is listed as secured and scheduled to receive pre-confirmation disbursements and post-confirmation payments along with the other secured creditors, but such creditor subsequently files an unsecured claim, then the creditor will not receive any pre-confirmation disbursements and upon confirmation will be paid along with the other unsecured creditors. The funds that were allocated to such creditor as a pre-confirmation disbursement will be distributed on a pro-rata basis to the other secured creditors. Similarly, the funds scheduled to be received by such creditor along with other secured creditors on a pro-rata basis.

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Continuation Sheet # 6

Misfiled and Unfiled Creditors Paid Accordingly

If any secured proof of claim is timely filed for a debt that was either not listed or listed as unsecured, the claim shall be allowed as secured unless, it is objected to. Said claims shall be paid under the plan at 5.5% interest. Likewise, if any priority proof of claim is timely filed for a debt that was either not listed or listed as unsecured, the claim shall be allowed as priority unless it is objected to. Said priority claim shall not be paid with any interest.

Respectfully submitted this date: 5/15/2017.

/s/ Karla P. Griffin

Karla P. Griffin
1123 E. Rio Grande
El Paso, Texas 79902
Phone: (915) 562-4357 / Fax: (866) 201-0967
(Attorney for Debtor)

/s/ Jonathon Prince

Jonathon Prince
14382 Early Morn Ave
El Paso, TX 79938
(Debtor)

/s/ Becky Prince

Becky Prince
14382 Early Morn Ave
El Paso, TX 79938
(Joint Debtor)

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EXHIBIT "B" - VARIABLE PLAN PAYMENTS

PROPOSED PLAN OF REPAYMENT (VARIABLE PAYMENTS INTO THE PLAN)

<u>Month</u>	<u>Payment</u>	<u>Month</u>	<u>Payment</u>	<u>Month</u>	<u>Payment</u>
1	\$995.00	21	\$1,020.00	41	\$1,020.00
2	\$1,020.00	22	\$1,020.00	42	\$1,020.00
3	\$1,020.00	23	\$1,020.00	43	\$1,020.00
4	\$1,020.00	24	\$1,020.00	44	\$1,020.00
5	\$1,020.00	25	\$1,020.00	45	\$1,020.00
6	\$1,020.00	26	\$1,020.00	46	\$1,020.00
7	\$1,020.00	27	\$1,020.00	47	\$1,020.00
8	\$1,020.00	28	\$1,020.00	48	\$1,020.00
9	\$1,020.00	29	\$1,020.00	49	\$1,020.00
10	\$1,020.00	30	\$1,020.00	50	\$1,020.00
11	\$1,020.00	31	\$1,020.00	51	\$1,020.00
12	\$1,020.00	32	\$1,020.00	52	\$1,020.00
13	\$1,020.00	33	\$1,020.00	53	\$1,020.00
14	\$1,020.00	34	\$1,020.00	54	\$1,020.00
15	\$1,020.00	35	\$1,020.00	55	\$1,020.00
16	\$1,020.00	36	\$1,020.00	56	\$1,020.00
17	\$1,020.00	37	\$1,020.00	57	\$1,020.00
18	\$1,020.00	38	\$1,020.00	58	\$1,020.00
19	\$1,020.00	39	\$1,020.00	59	\$1,020.00
20	\$1,020.00	40	\$1,020.00	60	\$1,020.00

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Certificate of Service

The Chapter 13 Plan filed on even date herein has been served on each of the listed individuals and entities provided for herein.

Aspen Coll
1011660000281181
Pob 10689
Brooksville, FL 34603

Dhi Mortgage
8095210611
10700 Pecan Park Blvd
Austin, TX 78750

Midland Funding
8573442366
Attn: Bankruptcy
PO Box 939069
San Diego, CA 92193

Barclays Bank Delaware
000211560082305
100 S West St
Wilmington, DE 19801

El Paso Tax Assessor-Collector
221 North Kansas Suite 300
El Paso, Texas 79901

Midland Funding
8573930364
Attn: Bankruptcy
PO Box 939069
San Diego, CA 92193

Belden Jewelers/Sterling Jewelers, Inc
3131845424
Attn: Bankruptcy
PO Box 1799
Akron, OH 44309

Fst Premier
5178007935350785
601 S Minneaoplis Ave
Sioux Falls, SD 57104

Military Star/AAFES
6019451800522279
PO Box 650060
Dallas, TX 75265

Capital One
4147099366060331
Attn: General
Correspondence/Bankruptcy
PO Box 30285
Salt Lake City, UT 84130

Internal Revenue Service
Centralized Insolvency Operations
PO Box 7346
Philadelphia, PA 19101-7346

Navy Fcu
43001506672636
PO Box 3000
Merrifield, VA 22119

Chase Card
4266841455666097
Attn: Correspondence Dept
PO Box 15298
Wilmington, DE 19850

Kohls/Capital One
6393050680745809
Kohls Credit
PO Box 3043
Milwaukee, WI 53201

Navy Federal Credit Union
4717 Hondo Pass Bldg 2 Ste A
El Paso, TX 79904

Credit One Bank Na
4447962182106793
PO Box 98873
Las Vegas, NV 89193

Linebarger Goggan Blair & Sampson,
LLP
711 Navarro, Suite 300
San Antonio, TX 78205

Salute/atlanticus
7783760014631920
Pob 105555
Atlanta, GA 30348

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Certificate of Service

(Continuation Sheet #1)

Synco/Toys R Us
6045861007599169
PO Box 965064
Orlando, FL 32896

USAA Federal Savings Bank
1008978015
Attn: Bankruptcy
9800 Fredericksburg Rd
San Antonio, TX 78288

Synchrony Bank/Lowes
7981926052312019
Attn: Bankruptcy
PO Box 956060
Orlando, FL 32896

Usaa Federal Savings Bank
3743550017936090
10750 McDermott Freeway
San Antonio, TX 78288

Tidewater Finance Co
57294337
PO box 41067
Norfolk, VA 23541

Wells Fargo Dealer Services
518740177071
Attn: Bankruptcy
PO Box 19657
Irvine, CA 92623

Trident Asset Management
9008290324
Attn: Bankruptcy
PO Box 888424
Atlanta, GA 30356

Wells Fargo Hm Mortgag
9360378446215
8480 Stagecoach Cir
Frederick, MD 21701

United States Attorney
Civil Process Clerk
601 N.W. Loop 410, Ste 600
San Antonio, TX 78216

US Bank
P.O. Box 79048
St. Louis, MO 63179

US Bank Home Mortgage
5156850606166
Attn: Bankruptcy
PO Box 5229
Cincinnati, OH 45201